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<b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>		Docket Number (Optional) 043890-0477
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]  on _____ Signature _____ Typed or Printed Name _____	Application Number 09/744,395	Filed April 11, 2001
	First Named Inventor Toshiyuki KORI, et al.	
	Art Unit 2621	Examiner BOCCIO, Vincent F.

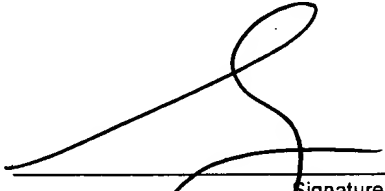
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).  
Note: No more than five (5) pages may be provided.

I am the

- ☐ applicant/inventor.
- ☐ assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)
- ☒ attorney or agent of record.  
Registration number  
36,139
- ☐ attorney or agent acting under 37 CFR 1.34.  
Registration number if acting under 37 CFR 1.34

  
\_\_\_\_\_  
Signature  
Michael E. Fogarty  
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Telephone number  
October 30, 2006  
\_\_\_\_\_  
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.  
Submit multiple forms if more than one signature is required, see below\*.

<input checked="" type="checkbox"/> *Total of 1 forms are submitted.
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This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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## **I. Introduction**

Claims 1-16 are pending in this application, of which claim 1 is independent. Of those claims, claims 3 and 13-16 have been withdrawn from consideration pursuant to the provisions of 37 C.F.R. §1.142(b).

In this Amendment, claim 1 has been amended to correct a minor error. Care has been exercised to avoid the introduction of new matter. Accordingly, entry of the present Amendment is solicited pursuant to 37 C.F.R. §1.116.

## **II. The Rejection of Claims 1 and 7 under 35 U.S.C. §102(e)**

Claims 1 and 7 have been rejected under 35 U.S.C. §102(e) as being anticipated by Katta et al. of record. This rejection is respectfully traversed.

Applicants submit that Katta et al. does not disclose an image switching device including all the limitations recited in independent claim 1. Specifically, Katta et al. does not disclose, at a minimum, “image switching control means for sending image switching control data for selecting and controlling a desired device out of the plurality of image outputting devices to the selected image outputting device,” recited in claim 1.

In the April 11, 2006 response, Applicants argued that Katta et al. does not disclose sending image switching control data for selecting and controlling a desired device from a plurality of image outputting devices, as recited in independent claim 1. In response, the Examiner asserted that the image switching control data is described in Katta et al. (see, paragraph 1 of the Office Action). It is Applicants’ understanding of the Examiner’s position that layout information to be generated by layout information generation means 114 is equivalent to the claimed image switching control data (see, Figs. 13 and 16 of Katta et al.).

The layout information of Katta et al. instructs image capture means 111 how to send a captured image to image receiving apparatus 112 (see paragraphs [0098] to [100]). According to Fig. 16 of Katta et al., the layout information is sent to all the image capture means.

On the other hand, claim 1 recites “sending the image switching control data for selecting and controlling a desired device out of the plurality of image outputting devices to the selected image outputting device” (emphasis added). Accordingly, there is a difference between the claimed invention and Katta et al. in that the claimed invention selects a desired device from a plurality of devices and sends image switching control data to that selected device, while Katta et al. sends the layout information to all the input capture means 111.

Based on the foregoing, Katta et al. does not identically disclose an image switching device including all the limitations recited in independent claim 1. Dependent claim 7 is also patentably distinguishable over Katta et al. at least because the claim includes all the limitations recited in independent claim 1. Applicants, therefore, respectfully solicit withdrawal of the rejection of claims 1 and 7 under 35 U.S.C. §102(e) and favorable consideration thereof.

#### **IV. Conclusion**

It should, therefore, be apparent that the imposed rejections have been overcome and that all pending claims are in condition for immediate allowance. Favorable consideration is, therefore, respectfully solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

**Serial No. 09/744,395**

Respectfully submitted,

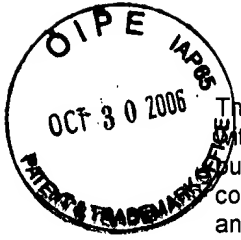
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**Date: October 30, 2006**

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